

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MAY 25 2006
DAVID J. MALAND, CLERK
BY
DEPUTY _____

FLOYD COX

§

V.

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ARKANSAS BEST CORPORATION, ET AL. §

CASE NO. 4:06CV92
(Judge Brown /Judge Bush)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On April 26, 2006, the Magistrate Judge entered his Report containing his proposed findings of fact and recommendation that Defendants' Motion to Dismiss be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the Court. It is, therefore,

ORDERED, ADJUDGED and DECREED that Defendants' Motion to Dismiss is **GRANTED** and the above titled and numbered cause of action is **DISMISSED WITHOUT PREJUDICE**.

Signed this 25th day of May, 2006.


PAUL BROWN
UNITED STATES DISTRICT JUDGE